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Journal of Convention of all the People of Texas

Convened March 1st 1836.

Convention of all the People of Texas, through their delegates elect.

The Convention of the People of Texas on the first day of March in the year of our Lord, one thousand eight hundred and thirty six, at the hour of eleven o'clock met, at the house set apart for their use, in the town of Washington, having been elected and chosen on the first day of February of the said year, in virtue of a resolution of the Provisional Government of Texas. adopted at San Felipe on the tenth day of December in the Year of our Lord one thousand eight hundred and thirty five, that a Convention of the people of each municipality of the three departments of

Texas should be called to assemble on the first day of March aforesaid, clothed with ample unlimited and plenary powers as to the form of Government to be adopted; providing, that no Constitution should go into effect until the same be submitted to the people and confirmed by a majority thereof. Whereupon, on motion of Mr Childress, Mr Collinsworth was called to the Chair and Willis A Faris was appointed Secretary pro tem,

On motion of Mr Parmer, the Chair appointed a committee of three to examine and report on the credentials of delegates elect, whereupon Messrs Parmer, Everett, Childress, and on motion of Mr Houston Mr Zavala was added.

On motion of Mr Houston the Convention adjourned till two O clock.

Two O clock.

The Convention met pursuant to adjournment

The Committee appointed to examine and report upon the credentials of the delegates elect, presented their report and asked for the same to be received, which was done, from which it appeared that the delegates present and entitled to take their seats were as follows., To wit,

From the Municipality of Austin, Thomas Barnett, and G. B. Stewart.

From the Municipality of Brazoria Edwin Waller, James Collinsworth and J. S. D Byrom.

From the Municipality of Washington B. B. Goodrich. G. W. Barnett, James D. Swiches, and Jessee Grimes.

From the Municipality of Nina D. W. Burton, Thomas J. Gazley & R. M. Coleman.

From the Municipality of Gonzales M. Caldwell and J. Fisher.

From the Municipality of Milam Sterling C. Robertson, and Geo C. Childress.

From the Municipality of San Augustine, M. Parmer, A. W. Blount and E. D. Legrand.

From the Municipality of Sabine William Clark and James Guine.

From the Municipality of Harrisburg Lorenzo De Zavala.

From the Municipality of Jasper S. H Everett, and Geo W Smith.

From the Municipality of Matagorda Baily Hardiman.

From the Municipality of Jackson Elijah Stapp

From the Municipality of Shelby. A. D. Bennington, and William C. Crawford

From the Municipality of Jefferson & West. and W. B. Scates.

From the Municipality of Refugio, James Power, Samuel Houston David Thomas and Edward Conrad.

From the Municipality of Goliad William Mottley.

From the Municipality of San Patricio John Turner.

From the Municipality of Bejar, Francisco Ruiz, José Antonio Navarro, and J.B. Badgett

From the Municipality of Decan Point and vicinity, Robert Hamilton, Richard Ellis, and Collin McKinney.

From the Municipality of Colorado M. D. Lacy and William Menifee.

Constituting more than a quorum. On Mr Potter's motion seconded, the Convention agreed to go into an election for a President of their body; whereupon, Mr Everett nominated Richard Ellis and being seconded, and the question taken, Mr Ellis was unanimously elected president of the Convention, who was conducted to the chair by Messrs Collinsworth and Everitt.

On motion of Mr Collinsworth seconded by Mr Legrand the Convention agreed to go into an election for a Secretary to their body, whereupon Mr Collingsworth nominated Mr Farris for Secretary, Mr West nominated Mr Pease, and Mr Legrand nominated Mr Kimble, whereupon, the vote taken stood as follows; For Mr Kimble 24 votes, Mr Farris 10, and Mr Pease 7. So it appearing that Mr Kimble had received a majority of all the votes, was declared by the President duly elected Secretary of the Convention.

On Mr Potter's motion, seconded, the Convention agreed to go into an election

for a Sergeant at Arms, and a Door Keeper Whereupon Mr Potter nominated for Sergeant at Arms Mr Isom Parmer, and Lohan A. Higer for door Keeper, and there being no opposition, they were both declared by the President duly elected.

On Mr. Goodrich's motion, seconded the Convention agreed to go into an election for an assistant Secretary and an engrossing Clerk, Mr. Burton nominated Mr. Dear for assistant Secretary, and Mr. Goodrich nominated Mr Saul for engrossing Clerk, and there being no opposition they were both declared by the President duly elected.

Mr Childrey introduced and read from his place the following resolution "Resolved that the President appoint a Committee to consist of five delegates to draft a Declaration of Independence" To which Mr. Parmer offered the following amendment, To wit, "Resolved that the President appoint one delegate from each Municipality as a Committee to draft a Declaration of Independence" Whereupon the question being ordered it was decided in the negative; the question recurring upon Mr. Childrey's resolution the same was adopted; Whereupon the President proceeded to appoint George C. Childrey, James Gaines, Edward Conrad, Collin McKinney and Bailey

Hardiman, a committee as aforesaid

Mr Gayley introduced the following resolution. to wit, "Resolved that the President appoint five delegates to draft rules for the order and government of the House", which was read and adopted, whereupon the President proceeded to appoint Messrs Gayley, Houston, Potter Collinsworth and Everitt a committee as aforesaid.

Mr Everitt introduced the following resolution. (to wit) Resolved that the President appoint three delegates as a Committee on privileges and elections, which was read and adopted, whereupon the President proceeded to appoint Messrs Everett, Stewart and Coleman a committee as aforesaid.

Mr Parmer introduced the following resolution, (to wit, Resolved, that the President appoint a committee of three delegates to wait on Henry Smith Governor, and Lieutenant Governor Robinson and Council and notify them of the formation of the convention which was read and adopted. whereupon the President proceeded to appoint Messrs Parmer, Houston and Coleman a committee as aforesaid.

On motion of Mr Houston, Resolved the Convention adjourned till to-morrow morning nine O'clock

March 2 D 1836

Wednesday Morning 9 o'clock

The Convention met pursuant to adjournment, and was called to order by the President.

Mr Gazley Chairman of the Committee appointed to draft rules for the order and government of the House submitted the following Resolution and asked that the same might be received as their report, to wit. Resolved that this Convention adopt the rules and orders for conducting business in the House of Representatives of the United States of North America, so far as they are applicable to the proceedings of this body which was adopted

Standing rules ~~Con~~ Orders for conducting business in the Convention of Texas.

Touching the duty of the President.

1st. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2d He shall preserve order and decorum, may speak to points of order in preference to other members rising from his seat

that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak or more than once, unless by leave of the House

2d. He shall rise to put a question, but may state it sitting

4th Questions shall be distinctly put in this form, to wit, "As many as are of opinion that (as the question may be) say Aye" and after the affirmative voice is expressed, "As many as are of a contrary opinion say No." If the President doubts, or a division be called for, the House shall divide: those in the affirmative of the question, shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the President shall name two members, one from each side, to tell the members in the affirmative, which being reported, he shall then name two others, one from each side to tell those in the negative, which being also reported he shall rise and state the decision to the House.

5th When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the President.

6. The President shall examine and

connect the Journal before it is read. He shall have a general direction of the Hall. He shall have the right to name any member to perform the duties of the chair, but substitution shall not extend beyond an adjournment.

7 All committees shall be appointed by the President unless otherwise specially directed by the House, in which case they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and, in case a greater number than is required to compose or complete a committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

8. In all other cases of ballot than for committees, a majority of the vote given shall be necessary to an election; and when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained.

9 On all cases of ballot by the House, the President shall vote, in other case he shall not vote, unless the House be equally divided, or unless his vote be given in the minority, will make the division equal, and in case of such equal division the question shall be lost.

10. On all cases where other than members of the House may be eligible to any office by the election of the House there shall be a previous

nomination

11. . All acts, addresses, and joint resolutions, shall be signed by the President; and all writs, warrants, and subpeonas, issued by order of the House shall be under his hand and seal, attested by the Clerks.

12 In case of any disturbance or disorderly conduct in the galleries or lobby, the President, (or Chairman of the whole House) shall have power to order the same to be cleared.

Of Decorum and Debate

13 When any member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. President" and shall confine himself to the question under debate, and avoid personality.

14 If any member in speaking, or otherwise transgress the rules of the House, the President shall, or any member may call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain, and the House shall if appealed to, decide on the case, but without debate; if there be no appeal, the decission of the Chair shall be submitted to. If the decission be in favor of the member called to order he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed without leave of the House; and if the case require it he shall be liable to the censure of the House.

15 When two or more members happen to rise at once, the President shall name the member who is first to speak

16. No member shall speak more than twice to the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

17. If a question depending be lost by adjournment ~~of the last~~ of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted again to speak without leave.

18 While the President is putting any question, or addressing the House, none shall walk out of, or across the House, nor, in such case, or when a member is speaking, shall entertain private discourse, nor, whilst a member is speaking, shall pass between him and the chair.

19 No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

20 Upon the division and count of the House on any question, no member without the bar shall be counted.

21 Every member who shall be in the House when the question is put shall give his vote unless the House for special reasons shall excuse him.

22 When a motion is made and seconded it shall be stated by the President; or being in writing it shall be handed to the Chair, and read aloud by the Clerk before debated.

23 Every motion shall be reduced to writing, if the President or any member desire it.

24 After a motion is stated by the President, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

25 When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, or to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged: and no motion to postpone to a certain day, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition, a motion to strike out the enacting words of a bill shall have precedence of a motion to amend; and, if carried, shall be considered equivalent to its rejection.

26 When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: The committee of the whole house on the State of Texas; the committee of the whole House; a standing committee, a select committee.

27 A motion to adjourn shall be always in order: that and the motion to lie on the table, shall be decided without debate.

28 The previous question shall be in this form; "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall

precludе all amendment, and further debate of the main question.

29. On a previous question there shall be no debate

30 When a question is postponed indefinitely the same shall not be acted upon again during the session

31 Any member may call for the division of a question, which shall be divided if it ~~comprehends~~ questions so distinct that on being taken away, the rest may stand entire for the decision of the House: a motion to strike out and insert shall be deemed indivisable. But a motion to strike out being lost, shall preclude neither amendment, nor a motion to ~~strike out~~ and insert and strike out.

32 Motions and reports may be committed at the pleasure of the House.

33. No motion or proposition on a subject different from that under consideration shall be admitted under colour of Amendment.

34. When a motion has once been made and carried in the affirmative or negative, it shall in order for any member of the majority to move for the reconsideration thereof, on the same or the succeeding day, and such motion shall take precedence of all other questions except a motion to adjourn.

35. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

36 The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the order of the day, and no motion on any other business shall be received

without special leave of the House, until this former is disposed of.

37. Petitions, memorials and other papers, addressed to the House shall be presented by the President or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

38 Any fifteen members including the President if there be one shall be authorized to compel the attendance of absent members.

39 Upon calls of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

40. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees

41 No member shall absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

42 Upon the call of the House, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall again be called over, the door shall then be shut, and those for whom no excuse, or insufficient excuses are made, may by order of those present, if fifteen in number, be taken into custody (as they appear, or may be sent for and taken into custody,) wherever to be found),

by speciae messengeu appointeu for that purpose.

43. When a membeu shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manneu, whether a delinquent membeu, taken into custody by a speciae messengeu shall, or shall not, be liable to defray the expense of such speciae messenger.

44. A sergeant at arms shall be appointed, to hold his office during the peasuue of the House, whose duty it shall be to attend the House during its setting to execute the commands of the House, from time to time; togethu with all such proces, issued by authority thereof, as shall be directed to him by the President.

45 The fees of the Sergeant at Arms, shall be for every arrest the sum of two dollars, for each day custody and releasment, one dollar; and for traveling expenses for himself or a speciae messenger going and returning, one tenth of a dollar per mile.

46. It shall be the duty of the committee of elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the House

47 The several Standing committees of the House shall have leave to report by bill or otherwise

48 No committee shall sit during the sitting of the House, without special leave.

49 The clerk of the House shall take an oath for the true and faithful discharge of the duties of his office to the best of his knowledge and abilities, and shall be deemed to continue in office until another be appointed.

50. Whenever confidential communications are received from the President of the United States the House shall be cleared of all persons except the members, Clerk, Sergeant at arms and doorkeeper, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the President or any other member shall inform the House that he has communications to make which he conceives ought to be kept secret, the house shall in like manner, be cleared till the communication be made, the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

51 The Sergeant at arms and the Doorkeeper shall be sworn to keep the secrets of the House.

52. All questions relating to the priority of business to be acted on, shall be decided on without debate.

Of Bills.

53 Every bill shall be introduced by motion

for leave, or by an order of the House, on the re-
=port of the committee; and in either case, a
committee to prepare the same shall be appr
=pointed. In cases of a general nature,
one day notice at least shall be given of the
motion to bring in a bill; and every such
motion may be committed

54 Every bill shall receive three, several
readings in the House previous to its passage,
and all bills shall be dispatched in order as
they were introduced, unless where the House
shall direct otherwise, but no bill shall be twice
read on the same day, without special order
of the House.

55 Upon the second reading of a bill, the
President shall state it as ready for commitment
or engrossment, and if committed, then a
question shall be, whether to a select or stan-
=ding committee, or to a committee of the
whole House; if to a committee of the whole House,
the House shall determine on what day. But if
the bill be ordered to be engrossed, the House shall
appoint the day when it shall be read the third
time).

56 The first reading of a bill shall be for information,
and if opposition be made to it, the question shall
be, "shall this bill be rejected?" if no opposition
be made, or if the question to reject be negatived,
the bill shall go to its second reading without a
question.

57 Not more than three bills, originating in the House
shall be committed to the same committee of the
whole, and such bills shall be analagous in their

nature, which analogy shall be determined by the President.

58 After Commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted

59 All bills ordered to be engrossed shall be executed in a fair round hand.

60 No amendment by way of rider shall be received to any bille on its third reading.

61 When a bill shall pass it shall be certified by the Clerk noting the day of its passage at the foot thereof.

Of Committee of the whole House.

62 It shall be a standing order of the day throughout the session, for the House to resolve itself into a committee of the whole House on the state of Texas.

63 In forming a committee of the whole House, the President shall leave his chair, and a chairman to preside in committee, shall be appointed by the President.

64. Upon bills committed to a committee of the whole house, the bill shall first be read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments noting the page and line, shall be duly entered by the clerk on a seperate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

65 All amendments made to an origina e

motion in committee, shall be incorporated with the motion and so reported.

66 All amendments made to a report committed to a committee of the whole House shall be noted and reported as in cases of bills.

67 All questions whether in a committee or in the House, shall be pronounced in the order in which they were moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

68 No Motion or proposition for a tax or charge upon the people shall be discussed the day in which it is first made or offered, and every such proposition shall receive its first discussion in a committee of the whole House

69 No sum or quantum of tax or duty voted by a committee of the whole house, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole House, and so in respect to the time of its continuance.

70 All proceedings, touching appropriations of money shall be first discussed in a committee of the whole House.

71 The rules of proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

72 No standing rule or order of the House shall be rescinded or changed without one days notice being given of the motion therefor. Nor shall any rule be

suspended except by a vote of at least two thirds of the members present. Nor shall the order of business; as established by the rules of the house, be postponed or changed except by a vote of at least two thirds of the members present

73 It shall be in order for the committee on enrolled bills to report at any time.

74 No person shall be permitted to perform divine service in the chambers occupied by the convention unless with the consent of the President.

On Mr Collinsworths motion seconded, Mr Willis A Gaines was allowed to take a seat at the Secretarys table to note and report the proceedings of the convention.

Mr Potter introduced the following resolution, to wit, "Resolved that a committee be appointed consisting of one member from each Municipality represented in the convention for the purpose of drafting a constitution for Texas, and that the same be reported so soon as practicable to this body, which was read and adopted; Whereupon the President proceeded to appoint Messrs Potter, Stewart, Mallet, Grimes, Coleman, Fisher, & Burton, Parmer (chairman) Gaines, Zavala, Everitt, Hardiman, Allen, Crawford, Mest, Power, Navaro, McKinney, Menifee, Motley and Menard a committee as aforesaid.

The committee to whom was assigned the duty of drafting a Declaration of Independence, presented through their Chairman Mr Childress the Declaration of Independence that will hereinafter

follow, and asked that the same be received by the convention as their report.

Mr Houston moved that the report be received by the convention which on being seconded was done.

On Mr Collinsworth's motion, seconded, the House resolved itself into a committee of the whole upon the report of the committee on independence.

Mr Collinsworth was called to the Chair; whereupon Mr Houston introduced the following resolution; Resolved that the Declaration of Independence reported by the Committee be adopted, that the same be engrossed, and signed by the delegates of this Convention, and the question being put the resolution was unanimously adopted.

The Unanimous Declaration of Independence Made by the Delegates of the People of Texas, In general Convention at the town of Washington on the 2nd day of March 1836.

When a government has ceased to protect the lives, liberty and property of the people, from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted, and so far from its being a guarantee, for the enjoyment of these irrestimable and inaliemable rights, it becomes an instrument in the hands of evil Rulers for their oppression

When the federal Republican Constitution of their country which they have sworn to support, no longer has a substantial existence, and the whole nature of their government, has been forcibly changed

without their consent, from a restricted federative republic, composed of foreign States, to a con=solidated central military despotism, in which every interest is disregarded, but that of the army and the Priesthood, both, the eternal enemies of civil liberty; but the ever ready minions of power, and the usual instruments of tyrants.

When, long after the spirit of the constitution has departed, moderation is, at length so far lost by those in power, that even the semblance freedom is removed, and the forms themselves of the constitution discontinued, and so far from their petitions and remontrances being regar=ded, the agents who bear them are thrown into dungeons, and mercinary armies sent forth, to force a new government upon them at the point of the bayonet.

When in consequence of such malfea=sance, and abdiction on the part of the govern=ment, anarchy prevails and civil society is dis=solved into its original elements. In such a crisis, the first law of nature— the right of self =preservation— the inherent and inalienable right of the people, to appeal to first principles, and to take their politicae affairs into their own hands, in extreme cases,— enjoins it as a right towards themselves, and a sacred obligation to their pos=terity, to abolish such government, and create another in its stead, calculated to secure them from impending dangers, and to secure their welfare and happiness

Nations as well as individuals, are amenable for their acts, to the public opinion of mankind.

A statement of a part of our grievances is therefore submitted to an impartial world, in justification, of the hazardous, but unavoidable step now taken, of severing our political connection with the mexican people, and assuming an independent attitude among the nations of the Earth.

The Mexican government by its colonization laws, invited and induced the Anglo American population of Texas, to Colonize its Wilderness, under the pledged faith of a written Constitution. that they should continue to enjoy that constitutional liberty, and republican government, to which they had been habituated in the land of their birth, the United States of America.

On this expectation they have been cruelly disappointed, in as much as the Mexican Nation have acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who having overturned the constitution of his own country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a jealous and partial course of legislation, carried on at a far distant seat of government by a hostile majority, in an unknown tongue; and this too, notwithstanding we have petitioned, in the humblest terms, for the establishment of a separate State government, and have in accordance, with the provisions of the national constitution, presented

to the general Congress, a republican constitution, which was without just cause contemptuously rejected.

It incarcerated in a dungeon for a long time one of our citizens for no other cause, but a zealous endeavour to procure the acceptance of our constitution, and the establishment of a State government.

It has failed and refused, to secure on a firm basis, the right of trial by jury, that palladium of civil liberity, and only safe guarantee, for the life and property of the citizen.

It has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain) and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self-government.

It has suffered the military commandants stationed among us, to exercise arbitrary acts of oppression and tyranny; thus trampling upon the most sacred rights of the citizen and rendering the military superior to the civil power.

It has dissolved by force of arms the State Congress of Coahuila and Texas, and obliged our Representatives, to fly for their lives, from the seat of Government, thus depriving us of the fundamental political right of Representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authorities and in defiance of the laws and the Constitution.

It has made piratical attacks upon our commerce by commissioning foreign desperadoes and authorizing them to seize our vessels, and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshiping the Almighty according to the dictates of our own conscience, by the support of a National religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms which are essential to our defence, the rightful property of freemen, and formidable only to tyranical governments.

It has invaded our Country both by sea and by land with intent to lay waste our territory and drive us from our homes, and has now a large mercenary army, advancing to carry on against us, a war of extermination

It has through its emissaries incited the merciless savage, with the scalping knife and tomahawk, to massacre the inhabitants of our defenceless frontiers.

It hath been, during the whole time of our connexion with it, the contemptible sport and victim, of successive military revolutions, and hath continually exhibited every characteristic of a weak, corrupt and tyranical Government.

These, and other grievances were patiently borne by the people of Texas, until they reached that point, at which forbearance ceases to be a virtue. We therefore took arms in defence of the National constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain; though months have elapsed, no sympathetic response has yet been heard from the interior: we are therefore forced to the melancholy conclusion, that the Mexican

people have acquiesced in the destruction of their liberty, and the substitution therefor, of a Military Government, that they are unfit to be free; and incapable of self government; the necessity of self preservation therefore, now decrees our eternal political seperation.

We, therefore, the Delegates, with plenary powers of the people of Texas, in solemn convention Assembled, appealing to a candid world for the necessity of our condition, do hereby Resolve and declare, that our political connexion with the Mexican Nation, has forever ended, and that the people of Texas, do now constitute a <u>free sovereign and independent</u> Republic, and are fully invested with all the rights and attributes, which properly belong to independent Nations, and confidently of the rectitude of our intentions, we fearlessly and confidently commit the issue to the supreme arbiter of the destinies of Nations

Richard Ellis, President
of the Convention & Delegate
from Red River.

Charles B Stewart	Jesse B. Badgett
Thomas. Barnett	Wm D Lacy
James Collinsworth	Wm Menifee
Edwin Waller	John Fisher
Asa Brigham	Matthew Caldwell
John S. D. Byrom	William Motley
Franc Ruis	Lorenzo D. Zavala
Antonio Navarro	Albert H Latimer
Stephen H Everitt	James Power
Geo W. Smyth	Sam Houston

Elijah Stepp — David Thomas
Claiborne West — Edwd Conrad
William B. Scates — Martin Parmer
M. B. Menard — Edwin O Legrand
A. B. Hardin — Stephen W Blount
J. W. Burton — James Gaines
Thomas J. Gazley — Wm Clark Junr
R. M. Coleman — Sydney O Pennington
Sterling C Robinson — Wm Harrell Crawford
Geo. B. Childress — John Turner.
Bailey Hardiman — Benjn Briggs Goodrich
Robert Potter — G. W. Barrett
Thos Jefferson Rusk — James G. Swisher
Charles S. Taylor — Lepee Grimes
John S Roberts — S. Rhodes Fisher
Robert Hamilton — John W Moore
Collin McKinney. — John W Bowers.

On motion of Mr Houston. Seconded, the committee of the whole was permitted to rise and report progress.

Mr Goodrich introduced the following resolution, To Wit; Resolved that five copies of the Declaration of Independence be prepared and one to be sent forthwith to Bexar, one to Goliad, one to Nacogdoches, one to Brazoria, one to San Felipe, and one to Matehitoches; and that the printers at San Felipe be requested to print in hand bills form, for distribution one thousand copies, and that a committee of three be appointed to carry the above resolution into effect, which was adopted, whereupon the President proceeded to appoint Messrs Goodrich, Parmer and Byrom as a committee aforesaid.

Thomas Barnett from the Municipality of Austin appeared and took his seat as a delegate of this Convention.

On motion of Mr Goodrich, seconded, the House adjourned to the hour of two o'clock.

Two O'clock

The House met according to adjournment the House called to order

Mr Asa Brigham from the Municipality of Brazoria appeared and took his seat as a delegate of this Convention.

Mr Latimer appeared from the Municipality of Pecan Point and vicinity, and took his seat as a delegate of this convention

Messrs Rusk, Taylor and Roberts of Nacogdoches appeared and took their seats as delegates of this Convention.

On motion of Mr Houston, seconded, when the House proceeded to the election of an assistant clerk, Mr F. W. Jackson was nominated by Mr Houston and was elected unanimously, in place of Mr Peus declined.

Mr Menard from the Municipality of Liberty appeared and took his seat as a delegate of this Convention

Mr Crawford introduced the following resolution, to wit, "Resolved that a committee of three be appointed by the President to superintend the procurement of carriers to send expresses to the Army with such suitable directions as may be thought necessary by this convention" which was adopted; whereupon the President proceeded to appoint Messrs Crawford, Lacy

and Caldwell.

On motion of Mr Potter seconded, the House adjourned till tomorrow morning 9 o'clock.

March 3d 1836 Thursday Morning.

The Convention met pursuant to adjournment, and being Called to order.

The Committee of privileges and elections presented their report on the contested elections between Messrs Fishes and Royale of the Municipality of Matagorda, and between Messrs McMullen and Bowers of the Municipality of San Patricio, which on motion of Mr Childress seconded, were laid on the table till tomorrow.

Mr Hardin from the Municipality of Liberty appeared and took his seat as a Delegate of this Convention.

Mr Everitt introduced the following resolution, "Resolved that this House proceed to ballot for a committee to act as an executive committee till such time as a more perfect form of provisional Government may be established, which was at his instance laid on the table till tomorrow.

Mr Everitt introduced the following resolution, "Resolved that a committee of three be appointed by the President of this House, to call upon the late Governor Smith and the late Governor Robinson, and the late acting Councils, that they be requested to deliver up to them all documents and papers in any wise connected with the late provisional government and to inform them, that their functions as provisional Officers ceased on the first day of March, which was laid on the table at his instance till tomorrow Morning

Mr Everitt introduced the following resolution, "Resolved, that a committee of three be appointed to form an oath to be administered to the executive committee, and every officer in the service of the Convention or who may be appointed by this convention, which was laid on the table at his instance till tomorrow.

Mr Everett introduced the following resolution "Resolved that this Convention go into an election for a Major General to have command in chief of all the forces (regular and Volunteers) now in the field or to be raised, and to be under the direction of this Convention and that he be forthwith ordered to the field," which was laid on the table at his instance.

The committee appointed to procure suitable Couriers to forward expresses, made report recommending to the Convention, the acceptance of the services of Major Caldwell, to proceed forthwith to the frontier to ascertain the true situation of the enemy, which was on motion seconded, was received and concurred in.

On motion of Mr Hardiman, seconded, Messrs Houston, Hamilton, Collinsworth and Thomas, were added to the Committee appointed to draft a Constitution.

Mr Coleman asked leave to be discharged from the Committee on privileges and elections which was granted, and Mr Legrand was appointed in his stead.

On motion of Mr Everitt the House adjourned to the hour of two o'clock.

At Two o'clock the House met according to adjournment and being called to order.

Mr Burton introduced the following resolution

"Resolved that a committee of five be ap=
pointed to enquire into the actual condition of
our Army, the number of Officers, grades, where sta=
tioned, what force they command and the number of
privates now in the field, what their condition as to
clothing, the quantity of provisions and munitions
of war, now in the country and where at, and make
report of the same, which was adopted.

Mr Rush introduced the following resolution
"Resolved that the President appoint a committee con=
=sisting of one member from each Municipality to report
as early as practicable a constitutive act for the purpose of
organizing the physical force of the country for its defence
against its enemies which was adopted.

Mr Conrad introduced the following resolution,
Whereas land titles have been recently granted by Commis=
=sioners, to individuals under the Colonization laws, whilst
many brave and worthy men, with equal claims, have been
prevented by serving in the field for similar privileges, not=
=withstanding the decree of a former convention, ordering
all such proceedings to be suspended, therefore, "Resolved
that all land Commissioners or agents whatever entrusted
with the disposition of Public lands close their offices, suspend
the granting of titles, and all matter whatsoever connected
with the disposal of public lands forthwith and that if
any titles should be granted in defiance of this authority,
such titles shall be null and void, and the individual so
offending shall be subject to a fine of Ten thousand
dollars and imprisonment for twelve months; which
on motion of Mr Thomas was laid on the table till
tomorrow,)

On motion of Mr Collinsworth the papers and

and the accounts transmitted to the Convention be refered to a committee of five delegates for examination and report.

Mr Potter introduced the following resolution to wit, Resolved that Col Jesse Benton and Lieutenant Griffin Bam be and they are hereby authorized to raise a regiment of rangers, the officers of which shall be commissioned by the authority of this Convention, the said regiment of rangers to receive the same pay and rations that are provided for the regular Army, the said regiment to enroll themselves during the war and be subject at all times to the orders of the Commander in Chief, of the public forms which was adopted.

Mr Goodrich introduced the following resolution. Resolved that no legislation subject shall be acted on by this Convention after this day the 3d of March, except such as relates directly to the defence of the Country, which was laid on the table on motion of Mr Everitt till tomorrow.

Mr Bayley introduced the following resolution, "Resolved, that a committee of five be appointed to devise and report to this Convention, a suitable flag for the Republic of Texas, On motion of Mr Houston, seconded, the President was placed on the Committee,

Mr Goodrich introduced the following resolution Resolved that the thanks of this Convention be presented to Messrs Baker & Bordens Editors of the Telegraph, for the file of their papers presented to Him, which was unanimously Adopted.

On Motion of Mr Menifee, seconded, the House Adjourned till tomorrow Morning 9 o'clock.

March 4th 1836

Friday Morning 9 Oclock

The convention met pursuant to adjournment and was called to order by the President.

Mr Everett obtained leave to take up the report submitted on yesterday and laid on the table till to day, in case of the contested election between Messrs McMullen and Bowers from the Municipality of San Patricio, which is as follows.

The Committee of privileges and elections, Respectfully ask leave to report that the Honorable John Turner came before the said committee and attested that his constituents instructed him to protest against Mr McMullen being received as a member of this convention. That the grounds on which the protest was founded, was that many volunteers who desired to vote on the day of election, were not allowed to vote, by a majority of the judges of the election, that he heard at least four say that they intended to vote for Mr Bowers, and that he is clearly of opinion that many others would have voted for Mr Bowers. Your Committee differ in opinion, and respectfully desire the sense of the House to be taken on it, Your committee is fully of opinion that Mr Bowers should be invited to take a seat in this House.

A. A. Everett Chairman

A. B. Stewart.

Mr Coleman assenting with a majority of the Committee

Whereupon, Mr Childress submitted the following resolution. Resolved, that inasmuch as there are two contested elections pending before this convention, Viz. that between Messrs McMullen and Bowers, and

that between Messrs Royal & Fisher, and inasmuch as there is and will be contradictory statements and evidence before this body, and probably great doubt and uncertainty will exist as to who ought to have the seats referred to, and inasmuch as there is not time before the probable adjournment of this body to refer the question back to the people for a new election, and as it is desirable that there should be a full representation of all the peoples, and that the Convention should have the assistance of rep= =resentatives from those Municipalities, and that all dissentions, and irritating questions should now be earnestly avoided, Therefore be it resolved through the plenary powers vested in this Convention, that each of the above named gentlemen be allowed to take their seats in this Convention as members thereof, that those who are now here be allowed to do so immediately, and the others whenever they appear and make their application. Whereupon the question being taken upon the adoption of the resolution the same was decided in the Negative.

And the question of concurrence with the report of the Committee being taken, the same was decided in the affirmative, and Mr Bowes allowed to take the Seat

The Committee had leave to call up the report submitted on yesterday and lie on the table till to day in the case of the contested election between Messrs Fisher and Royale from the Municipality of Matagorda, which is as follows

Your Committee of Privileges and elections ask leave respectfully to report, that after a patient

examinection of various documents laid before your committee in regard to an election held in the Municipality of Matagorda, said election being contested by Messrs Royall and Fisher, have come to the Conclusion that S. Rhodes Fisher is legally elected and entitled to a seat in this house. In drawing this Conclusion your Committee would respectfully state to the house that among the returns of elections there is one from Goliad held among the Volunteers on the 5th January, at that election Mr Royall received 16 votes, the person who discharged the troops at that post appeared before your committee and testified, that he discharged said volunteers on the evening of the 11th, and morning of the 12th of January, and it appears further in evidence that a part at least of said volunteers voted again, and your committee are unanimously of opinion that said votes were not legal votes, and they ought not to be counted, and in making up this report, they have, therefor, left them entirely out, It appears further in evidence that three men on their way from the Army to the United States, did vote at a house where they stopped for the night, and as is certified their votes were taken between the hours of eight and nine o'clock. Your Committee are unanimously of opinion that the above three votes should not be Counted as they were clearly illegal, and have accordingly thrown them out, as said persons who so voted did immediately thereafter leave the Country, and also that the votes were taken after the time of election, Your Committee are

therefor of opinion that Mr O. Rhodes Fisher's name ought to be enrolled among the members of this House

O. H. Everitt, Chairman
E. A. Legrand
C. B. Stewart.

Mr Parmer Chairman of the Committee appointed to wait on Governor Smith, Lieutenant Governor Robinson and Council made report as follows, to wit,

Mr President

The committee appointed to wait on Governor Henry Smith, Lieutenant Governor Robinson and Council, and inform them of the formation of this Convention, beg leave respectfully to report that they have given the information required by your resolution

Martin Parmer Chairman

Mr Collinsworth introduced a resolution, asking that the rule of the House that resolutions shall lie on the table one day, be suspended and that the same be acted upon immediately., And on motion the resolution was laid on the table to be taken up at pleasure

On motion of Mr Everitt the House adjourned to the Hour of two a clock.

Two o clock

The Convention met pursuant to adjournment

Whereupon Mr Collinsworth called up his resolution laid on the table, and the same being read as follows, to wit, Whereas, We are now in a state of revolution, and threatened

by a large invading army from the Central Government of Mexico, and whereas our present situation, and the emergency of the present Crisis; renders it indespensibly necessary that we should have an army in the field; and whereas, it is also necessary that there should be one superior head or Commander in Chief, and due degrees of subordination defined, established and strictly observed; therefore be it resolved, that General Sam Houston be appointed Major General, to be Commander in chief of all the land forces of the Texian army, both, Regulars, Volunteers and Militia, while in actual service, and endowed with all the right, privileges and powers, due to a Commander in Chief in the United States of America, and that he proceed forthwith to take command, establish head quarters, and organize the Army accordingly. To which Mr Gayley submitted the following amendment, "And that General Sam Houston retain such command until the election of a Chief Magistrate of this Government, and to continue in such office, unless superceeded by order of the Government, subject however to the General orders of the Government, "de facto" until the general organization agreeably to the Constitution and always amenable to the laws and civil authorities of the Country," which was accepted by Mr Collinsworth.

Whereupon Mr Coleman moved that the resolution and the amendment be laid on the table, which was seconded and the question being taken upon Mr Coleman's motion was decided in the negative. . .

The question recurring upon the resolution

as it stands, was decided in the affirmative and the resolution adopted,

Mr Everett moved that the House adjourn till tomorrow morning nine o clock, Mr Palmer suggested nine o clock mor. morning, unless the President call the Convent. together sooner, which was assented to by Mr Everett, so the House adjourn till monday morning nine o clock, unless called together sooned by the President.

March 6th/36 Sunday morning 10 o clock

The President called the convention together and informed them that he had received by express a letter from Col. W. B. Travis, Commandant of the Alamo at Bexar, that might require the immediate action of the House, which being read by the Secretary

Mr Palmer moved that a thousand Copies be presented in hand bill form by the editors Mejrs Baker and Borden of San Felipe, which was ordered.

Mr Samuel A. Maverick delegate from the Municipality of Bexar appeared and took his seat.

On motion of Mr Childress, Capt J Cook was invited to take a seat in the bar of the House, in testimony of regard for the services he has rendered to Texas in her struggle for freedom.

On motion of Mr Houston Lieutenant Thornton, and, on motion of Mr Potter, Capt Burke were invited to a seat in this house as a tribute due their gallantry in defending the cause of Texas.

Mr J. Rhodes Fisher from the Municipality of Matagorda appeared and took his seat.

Mr Houston asked leave to address the chair explanatory of his former cause as Commander in Chief, the delicacy of his position under the decree and ordi-

of the Provisional Government; tendered his acknowledgement to the Convention for his reappointment as commander in chief, and took his leave for the Army at Bexar.

Mr Potter introduced the following resolution Resolved that the safety of the Country is threatened in a manner, which makes it the duty of all her citizens to hasten to the field.

Resolved that the members of this Convention while they keep steadily in view the organization of the government; will in the present emergency adjourn to meet in the Camp of our Countrymen there or elsewhere to Complete the business of the Convention.

Resolved, that a committee of five members be appointed, clothed with all the powers, residing in this Convention, to raise and organize the Militia and Volunteers, provide supplies of provision and ammunition for the troops, and to draft an appeal to the people of Texas and of the United States, explaining our situation and the motives of our adjournment; which was supported by Mr Potter with much earnestness.

Messrs Collinsworth, Childress, and Rusk opposed the adoption of the resolution, and was taken thereupon, and determined in the negative

Mr Childress was called to the chair by the President.

Mr Thomas introduced the following resolution "Resolved that a standing Military Committee consisting of five members, be appointed, which was adopted, whereupon the chair proceeded to appoint Messrs Collinsworth, Rusk, Powers, Gains and

Fisher of Gonzales.

Mr James Woods from the Municipality of Liberty appeared and took his seat.

On motion of Mr Pennington, Leave was given to all the delegates of this Convention who were absent on the adoption of the Declaration of Independence how to sign the same.

On motion of Mr Pennington Leave ~~was~~ gi~~ven~~ ~~to all the delegates~~ of the House adjourned till tomorrow morning 9 o clock.

March 7th 30th Monday Morning Nine o clock

The Convention met pursuant to adjournment and the House being called to order by the President.

The Committee on privileges and elections through their Chairman, reported that they had examined the credentials of election of John W. Moore, of the Municipality of Harrisburg, and that he is entitled to take his seat as a delegate of this Convention, which on motion of Mr Parmer was received and Concurred in; whereupon Mr Moore took his seat.

Mr Goodrich introduced the follow=
=ing resolution, to Wit, Resolved that a com
mittee of three members of this body be appoin=
=ted, to inform our Commissioners now in the
United States, that we have declared indepen=
dence, and to urge upon them the necessity of
using their utmost exertions, to bring about as
soon as practicable, the recognition of the Inde=
=pendence of Texas by the Congress of the United
States of the North, now in Session; laid
on the table one day, according to the rule of the
House.

On obedience to a resolution introduced by Mr Benton, to appoint a committee to consist of five members of this Convention, to enquire into the actual condition of the Army, - number of Officers, and the number of Privates in the field, the President proceeded to appoint, Messrs Benton, Barnett (of Washington) Legrand, Fisher (of Gonzales) Fisher (of Matagorda) a Committee

Mr Potter presented a communication from the late Governor Henry Smith, covering several documents, which on motion of Mr Conrad, was laid on the table.

On pursuance of an order, on motion of Mr Collinsworth, the documents transmitted to the Convention, were committed to a Committee of five, to examine and report upon; the President proceeded to appoint, Messrs Collinsworth, Gazley, Hamilton, Childress, and Goodrich a committee.

On motion of Mr Hardiman, the letter of A. B. W. Hill to Mr Geo C. Childress, enclosing his bill of exchange, on A & S. Dick & Co of New Orleans for five thousand dollars, for the use and benefit of Texas, enclosed by Governor Smith's communication, was read by the Secretary. Whereupon Mr Potter introduced the following resolution (to wit) Resolved that the thanks of the convention be tendered to A. B. W. Hill Esqr of Nashville, for his generous and warm hearted offer of assistance to the people of Texas in their struggle for independence

, &c

And that the President of this Convention, communicate this resolution to Mr Hill, in such manner, as he may deem most accep= =table to the feelings of that Gentleman, which was unanimously adopted.

Mr Rusk, chairman of the Committee to whom was assigned the duty of reporting a Constitution act, to organize the physical force of the Country, offered a report; which was on motion of Mr Parmer received, where= =upon, Mr Goodrich moved the suspension of the rule of the house, and that the report be acted on; the question being taken was neg= =atived, and laid on the table by a rule of the House.

Mr Gayley introduced the following resolution to wit; "Resolved that Military depots be established at the La Bahia Crossing of the Colorado, and at the town of Mina, for the purpose of supplying the Army with provisions, and munitions of war, ~~as may be necessary for the troops in service~~ and that suitable persons be appointed by the execu= =tive Committee, Commissioners at those places, to procure corn, cattle, sugar, coffee & tobacco, with such arms and munitions of war, as may be necessary for the troops in service; to which Mr Goodrich offered the following Amendment, "and the La Bahia Crossing of the Brazos" to follow the word Mina, which

&c.

&c. one a

was accepted.

Mr Rusk then moved that the resolution be referred to the Military Committee, which was done.

Mr. Everitt called up a resolution submitted by him, and laid on the table on Friday last, proposing that the House ballot for a Committee, to act as an executive committee, which on motion of Mr Goodrich, was indefinitely postponed.

On motion of Mr Collinsworth, Messrs D. Thomas, George W. Smyth, and M. B. Menard were added to the Committee on Military affairs.

Messrs S. Rhodes Fisher, John W. Moore John W. Bowers and Samuel A Maverick, asked and obtained leave to sign the Declaration of Independence

On motion of Mr Childress the House adjourned till tomorrow morning 10 oclock

March 8th Tuesday Morning 10 oclock

The Convention met pursuant to adjournment and was called to order by the President

The President laid before the House a communication from the late Lieutenant Governor Robinson, and a communication from John McMullen, President pro tem: of the late General Convention, and Alexander Thompson and A. G. Padillo, which were read, and on motion referred to the Committee on public Documents.

Mr Collinsworth chairman of the Com-

mittee on public documents, submitted a report upon the loan contracted by the Government Commissioners, and recommending the adoption of the proposition of John T. Lamar to raise troops, as a part of the report which was received and laid on the table. till tomorrow,

Mr Potter introduced the following resolution, "Whereas the securing the people of Texas, in the fair and undisturbed enjoyment of their lands, is an object of paramount consideration with this Convention, and whereas, certain designing persons in Texas, combined with others who live in distant parts, and are not citizens of Texas, are seeking, under cover of forged, or fraudulent grants, to cheat the people of Texas, out of large and valuable portions, of their lands, which if not put down, would oppress the individual settler and cripple the resources of the Country, so as to put it out of the power of the Government to make suitable provisions in lands, and otherwise for our volunteers now in the field, or who may hereafter serve the public cause; therefore,

Resolved that the Committee on the Constitution be instructed to enquire into the propriety of inserting in that instrument a provision to the following effect, (viz) No claim of eleven leagues of land or more, shall be valid, and all titles issued to any individual, under any pretence whatever for more than one league and a labor of land, (Compresario excepted) shall be null and void and of no effect, - and titles which may

have been issued to any individual, under any pretence whatever, since the act of the Consultation, closing the land offices, shall be null and void. and of no effect, and in the future adjustment of land titles, every settler in the actual occupancy of land, not previously located by others, in accordance with the principles of this provision, shall enjoy a preference over all other persons.

The Convention, or the Congress which may succeed it, will make provisions for carrying this Article into effect, and no legislative act or Judicial decision shall ever be made in contradiction to the foregoing clause. To which Mr. Pennington offered the following amendment, "Resolved also that all surveys that have been made since the 17th Day of October last are null and void, unless the grantee actually resided on the same at the time the survey was made, east of the Trinity River," which was accepted.

Whereupon Mr Potter moved, that the Convention resolve itself into a Committee of the whole house, which they did, Mr Grimes in the Chair, to consider the reference of the resolution, with the amendment to the Constitution Committee, and the question being taken, the same was refused.

On motion of Mr Rusk, the Committee now reported the resolution

On motion of Mr Childress the Convention adjourned to the hour of 9 o'clock.

2 Oclock P. M.

The Convention met pursuant to adjournment, and being called to order by the President.

Mc Donad introduced the following resolution, Resolved that this convention proceed to ballot for three Commissioners, whose duty it shall be to proceed to the different land offices of Texas, and examine strictly into the State and condition of the same, the quantity of land still unappropriated, its location &c. the Circumstances attending the disposition of all grants for more than the quantity of land established by the Colonization laws, to whom granted, and for what Consideration, and to Collect all other information, in relation to the conducting of land matters, which may be considered useful, and report the same to the executive, as soon as practicable, also that it shall be the duty of the said Commissioners, to take Custody of all titles, books and papers, whatsoever, Connected with the Land offices, and convey them to the seat of government, if considered safe from the ravages of the enemy, or if not, to such other place or places, as may be deemed proper, which was laid on the table by a rule of the house

Mr Rusk Chairman of the Committee upon a Constitutional act, moved that it be discharged, which was done.

Mr Rusk obtained leave to take up the report submitted to the House, and received on Friday last upon a constitutional act

And upon the motion of Mr Burton, the house resolved itself into a committee of the whole. Upon the report, Mr Thomas in the chair, when after considering in part of the report, the Committee rose, reported progress to some extent and asked leave to sit again.

Mr Motley introduced the following resolution, Resolved that a committee of three members of this body be appointed to examine the subject in relation to the Mexican prisoners and report to this house the best course to be pursued adopted, in regard to their future disposition, and that they have power to retain said prisoners,

Mr Rusk introduced the following resolution, Information having reached this Convention of the embodying of a large force of Indians above the San Antonio road,

Be it Resolved by this Convention, that Captains Black and Captain Bennett be authorized to raise a company of Volunteers not to exceed fifty men, and proceed forthwith to the place therein, to disperse them, and after so doing proceed to Bexar.

Resolved further, that said Captains Black and Bennett be authorized, to procure provisions, if not to be obtained otherwise, and draw upon the future Government of Texas for the reasonable expenses of said expedition,

Resolved, that said services shall not in any way obviate, to excuse any from the usual Military duties hereafter required, which now exist.

The President laid before the House the petition of A.G. Robertson, praying to be discharged from imprisonment, which was received, and on motion, laid on the table till tomorrow.

Mr Pennington introduced the following resolution, Resolved that the late Governor Smith, and the late Lieutenant Governor Robinson, and the late Councie be required to lay before this House, the names of all the officers of the regular army, appointed by the Councie of the Provisional Government, giving information as far as possible when they were appointed, where they are located, and upon what duty, if any, and their grade together with all other officers appointed in the ranging [redacted].

Resolved, that a committee of two, be appointed to wait on the late Governor Smith, and the late Lieutenant Governor Robinson, and the late Councie, with copies of this resolution, and request them to furnish said information, which was adopted. Whereupon, the President proceeded to appoint Messrs Pennington and Badget, a committee aforesaid.

Mr Hardiman introduces the following resolution, Resolved that all subjects not directly connected with the Constitution of this Republic, lay on the table until that instrument be adopted by this Convention, which was laid on the table.

Mr Parmer introduced the following resolution
Resolved, That all commissioned officers in the regular army, who have not the number of men required by law under their command, or who are not already in the field, shall be subject to draft the same as private citizens, which was adopted.

On motion the Convention adjourned till tomorrow morning 9 oclock

March 9th 36

Wednesday Morning 9 oclock

The Convention met pursuant to adjournment, and being called to order by the President.

Mr Parmer Chairman of the committee to draft a Constitution, submitted a report in part, and asked leave to sit thereupon, which was received and read, whereupon, on motion of Mr Everitt, the Convention resolved itself into a committee of the whole, upon the report thus made, Mr Everitt in the Chair, and on motion of Mr Roberts, after sundry Amendments, the committee rose, reported progress and begged leave to sit again.

The House adjourned till 2 oclock.

Two Oclock

The Convention met according to adjournment, and was called to order by the President

On motion of Mr Thomas the House resolved itself into a committee of the whole, Mr Thomas in the chair, upon the report of the committee to draft a Constitution, and after sundry

amendments, the Committee rose, on motion of Mr Rusk, reported progress, and asked leave to sit again.

Mr Childress introduced the following resolution, to wit, "Whereas the African slave trade being abhorrent to the laws of God, and the feelings of all civilized nations; the encouragement of all such inhuman traffic shall be made piracy by the laws of the land, and all persons legally convicted, before the legitimate tribunals, of being hereafter engaged in it, either directly by capturing Africans, or purchasing them out of slave ships, or knowingly from those who may have previously brought them, shall suffer the punishment of death, and such captured persons, be disposed of in such manner as may be hereafter prescribed by Congress: provided that this article, shall not be construed to prohibit emigrants from bringing their slaves into the Country. And that no free people of color shall ever be admitted to reside in the Republic after the ratification of this Constitution, which was on motion referred to the Committee to draft the Constitution.

On motion of Mr Menifee the Convention adjourned till tomorrow morning nine o'clock.

March 10th 1836
Thursday Morning 9 o'clock

The Convention met pursuant to adjournment and was called to order by the President.

Mr Rush introduced the following resolution, "Resolved that the late Governor Henry Smith, the late Lieutenant Governor Robinson, the late Council, the late Treasurer, the late Auditor and Comptroller of public accounts, be requested to deliver to this House all the books, papers, journals, correspondence, Contracts, laws, and all other papers, connected with, or relating to their several offices,

Resolved that the Secretary of this House make out and hand forthwith, to each of the before mentioned individuals, each a copy of this resolution; and request of them the books and papers referred to, which was accepted.

Mr Ewing, Chairman of the committee appointed to examine and report upon the subject of the Mexican prisoners, made report, which was received, and on motion laid on the table till tomorrow.

Mr Hardiman called up his resolution, submitted and laid on the table on yesterday laying all matter on the table, not connected with the subject of the Constitution; Whereupon, Mr Rush offered the following amendment, "Unless taken up by two thirds of the House, without debate;" which was accepted, when the resolution with the amendment was adopted.

The President laid before the Convention, the letter of Mr. L. W. Travis and on motion

referred to the committee on Military affairs.

Mr Potter introduced the following resolution, Resolved that all persons, (Slaves and Indians excepted) residing in Texas, on the day of the declaration of Independence shall be considered as citizens of the Republic and entitled to all the privileges of such. The citizens of Texas shall be entitled to, and are hereby confirmed in their lands, in the following manner, and proportions, viz, every man of family shall be entitled to a league and a labor of land, and every single man of the age of twenty one years, shall be entitled to a third of a league of land, which several portions of land the persons entitled to the same, shall be privileged to locate on any vacant lands; and all citizens now settled in Texas, shall in the location of their lands, be entitled to include their settlement in preference over all other persons, or claims, whatever, except those from whom such settler may have received his settlement, by rent or lease, and it shall not be obligatory on the settler to live on his land, but he shall have the lines plainly marked.

And whereas there is good reason to believe, that many fraudulent grants of land, or grants, the conditions of which have never been complied with, have been located in Texas, therefore, be it ordained that the first Congress, which shall convene under the Constitution, shall establish such tribunals, as it, in their wisdom

may think proper, to adjudicate and determine without the right of appeal, or further litigation, the validity of the above mentioned grants; provided however that in no case whatever, shall any of the above mentioned grants, interfere with the actual settler, in the occupancy of the land, or being a citizen of Texas, may rightfully claim it as his headright, under this Constitution, or the Colonization laws of the Mexican Government.- Provided that nothing herein contained, shall deprive any Citizen of Texas, of rights already vested by the laws of the land.

It shall be the duty of Congress, to provide for the volunteers, who have so faithfully served Texas, in the field, or who may hereafter serve against the enemy, by setting apart, so much of the most valuable portions of the public lands as will answer that purpose.- In the event of the death, without will, of any person entitled to land under this Constitution, or the Colonization laws of Mexico, his children or next of kin, shall inherit his land,- each and every person holding or claiming land in Texas, either in their own name, or by agent, shall within six months, from the date of the Declaration of Independence become Citizens of this Republic, and residing there, within the limits of Texas, unless absent on public business, or on leave, according to law; and in every case of failure to comply with the requirements the individual so failing, shall forfeit to the Republic

all interest, right, & title, in and to, all Lands, within the limits of Texas, whether claimed or owned in their own name, or by agent; nor shall any alien, ever hold land within the limits of Texas, whether claimed, or owned in their own name, or by agent.

Laid on the table by rule of the House

Mr Burton Chairman of the Committee appointed to enquire into, and report upon, the Condition of the army, number of officers, privates &c. made report which was received and Concurred in

Mr Zavalla introduced the following Resolution, Resolved that an interpreter shall be appointed by this Convention, charged with the duty of translating the Constitution and laws of the government, into the Spanish language, which was laid on the table by a rule of the House.

On motion of Mr Burton the Committee appointed to enquire into the State and Condition of the Army &c. was discharged.

On motion of Mr Lewis, the resolution Commissioning Capts Hadr and Bennett, Captains, to raise a company of Volunteers to disperse the Indians, supposed to be embodied near the San Antonio road was rescinded.

Mr Everett introduced the following Resolution, "Resolved that a Committee of five be appointed to act as a standing Committee of finance, laid on the table by a rule of the House.

Messrs Badger and Pennington, a special committee, appointed to wait on the late Governor Smith, the late Lieut Governor Robinson, and Council, and ask for certain informations, therein mentioned, made report, which was received; reading dispensed with, and Referred, on motion of Mr Rusk to Military Committee.

On motion of Mr Conrad, the House took up the Ordinance, reported by the Committee appointed to draft an ordinance to organize the Physical force of the Country, and have reported the same as amended.